

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:07CV157

GREAT LAKES REINSURANCE (UK))	
PLC; and WARTA INSURANCE &)	
REINSURANCE CO.,)	
)	
Plaintiffs,)	
)	
Vs.)	<u>DECLARATORY</u>
)	<u>J U D G M E N T</u>
ANTHONY R. PORTER; BANK OF)	
AMERICA, N.A.; and FIRST)	
INSURANCE FUNDING CORP.,)	
)	
Defendants.)	
)	

For the reasons stated in the Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that
the Plaintiffs' motion for summary judgment is **ALLOWED**, and the
following Declaratory Judgment is entered.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
Insurance Policy No. 200/658/70634-35 is **VOID *ab initio***, and the
Defendant Anthony R. Porter, who is in default herein, his heirs and

assigns, have and take nothing from the Plaintiffs as they are entitled to no recovery under the Insurance Policy No. 200/658/70634-35.

IT IS FURTHER ORDERED that the Defendant Bank of America, N.A., is declared a simple loss payee under Insurance Policy No. 200/658/70634-35, and due to the fact that this Policy contains no "Mortgagee's Interest Clause" or a "Breach of Warranty Clause," the Defendant Bank of America, N.A., have and take nothing from the Plaintiffs under said policy of insurance.

IT IS FURTHER ORDERED that Plaintiffs' claims against Defendant First Insurance Funding Corp., having not been served with the summons and complaint in this action within the time allowed by Fed. R. Civ. P. 4, are hereby **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiffs' costs be taxed against the Defendants.

Signed: March 3, 2009



Lacy H. Thornburg
United States District Judge

